

SENATE BILL 1909  
By Burks

AN ACT to amend Tennessee Code Annotated, Title 39; Title 40  
and Title 41, relative to sexual offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-303, is amended by  
designating the existing language of subsection (l) as (l)(1) and by adding the following new  
subsection (l)(2):

(2)

(A) If a defendant convicted of a sexual offense as defined in Tennessee  
Code Annotated, Section 40-39-102(3), is granted probation, the probation officer  
to whom such defendant is assigned shall, within ten (10) days of the defendant  
being granted probation, notify the victim of the offense and the victim's  
immediate family that the defendant has been granted probation and will be  
released from custody.

(B) If at the time the probation officer notifies the victim and victim's  
family as required by subpart (A) such officer believes the defendant poses a risk  
of committing another sexual offense, the officer may also notify any prior victim,  
the residential neighbors where the defendant will live and any churches,  
community parks, schools, convenience stores, businesses and other places that  
potential victims may frequent. The probation officer may use any form of

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notification the officer determines to be appropriate. Information about the defendant which may be disseminated includes the offender's name, address, physical description, type of vehicle known to drive, any conditions of probation imposed, description of primary and secondary victim targets, method of offense, current photo and name and phone number of the defendant's probation officer. Such information may be made available to any other person upon request unless the probation officer determines that the release of information would substantially interfere with the defendant's treatment or rehabilitation.

(C) If during the defendant's period of probation the probation officer receives or becomes aware of information that causes such officer to believe that the defendant may commit another sexual offense in the immediate future, the probation officer may at that time send the notification and disseminate the information authorized by subpart (B) of this subsection.

SECTION 2. Tennessee Code Annotated, Section 40-28-505, is amended by designating subsection (c) as (c)(1) and by adding the following new (c)(2):

(2)

(A) If a defendant convicted of a sexual offense as defined in Tennessee Code Annotated, Section 40-39-102(3), is granted parole, the notice of the board's parole grant decision required by subsection (c)(1) shall also be sent to the victim's immediate family and shall inform the victim and the victim's immediate family of the date the defendant is scheduled to be released from custody.

(B) If at the time the board notifies the victim and victim's family as required by subpart (A) it believes the defendant poses a risk of committing another sexual offense, the board may also notify any prior victim, the residential neighbors where the defendant will live and any churches, community parks,

schools, convenience stores, businesses and other places that potential victims may frequent. The board may use any form of notification it determines to be appropriate. Information about the defendant which may be disseminated includes the offender's name, address, physical description, type of vehicle known to drive, any conditions of parole imposed, description of primary and secondary victim targets, method of offense, current photo and name and phone number of the defendant's parole officer. Such information may be made available to any other person upon request unless the board determines that the release of information would substantially interfere with the defendant's treatment or rehabilitation.

(C) If during the defendant's period of parole supervision the parole officer receives or becomes aware of information that causes such officer to believe that the defendant may commit another sexual offense in the immediate future, the probation officer may at that time send the notification and disseminate the information authorized by subpart (B) of this subsection.

(D) The provisions of this subpart shall also apply to any defendant under the supervision and control of the board for life pursuant to Tennessee Code Annotated, Section 39-13-524.

SECTION 3. Tennessee Code Annotated, Section 41-21-240, is amended by adding the following as a new subsection (d):

(d)

(1) If a defendant convicted of a sexual offense as defined in Tennessee Code Annotated, Section 40-39-102(3), is within ninety (90) days of release by reason of expiration of sentence, the notice of release required by subsection (a) shall also be sent to the victim's immediate family.

(2) If at the time the department notifies the victim and victim's family as required by subpart (1) it believes the inmate poses a risk of committing another sexual offense, the department may also notify any prior victim, the residential neighbors where the inmate is anticipated to reside and any churches, community parks, schools, convenience stores, businesses and other places that potential victims may frequent. The department may use any form of notification it determines to be appropriate. Information about the inmate which may be disseminated includes the inmate's name, address, physical description, type of vehicle known to drive, description of primary and secondary victim targets, method of offense and current photo. Such information may be made available to any other person upon request unless the department determines that the release of information would substantially interfere with the inmate's treatment or rehabilitation.

SECTION 4. Tennessee Code Annotated, Section 40-39-106(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c) Information reported on sexual offender registration/monitoring forms, verification/monitoring forms, acknowledgment forms and the forms themselves shall be public record and open for inspection in the same manner as other public records. On a monthly basis the TBI shall send a paper, electronic or computer disc copy of the sexual offender registration and verification information maintained pursuant to this section to the office of each sheriff. The sheriff shall make such sexual offender information available to the public in the same manner as other public records.

SECTION 5. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new section:

Section\_\_\_\_.

(a) In addition to the punishment authorized by the specific statute prohibiting the conduct, the provisions of this section shall be considered a part of the punishment for each person convicted of a sexual offense as defined in Tennessee Code Annotated, Section 40-39-102(3), on or after the effective date of this act and a mandatory condition of probation, sentence to a community-based alternative to incarceration or parole for any person convicted of such a sexual offense prior to this act's effective date but who has not yet been granted the privilege of release on probation, community supervision or parole.

(b) Within thirty (30) days of a sexual offender being released from physical custody by reason of probation, a sentence to a community-based alternative to incarceration, parole or expiration of sentence, such offender shall:

(1) Notify the sheriff and superintendent of schools of the county of the offender's anticipated residence that the offender is residing in such county. The offender shall provide the sheriff and superintendent with the offender's name and address and such information shall be a public record open for inspection in the same manner as other public records. The superintendent may notify such other school officials in the county as such superintendent deems appropriate of the offender's name, address and presence in the county;

(2) Go to a newspaper of general circulation in the county of the offender's anticipated residence and purchase space in such newspaper for a period of not less than seven (7) days. In such purchased space, the offender shall run a notice that the offender is residing in the county. Such notice shall contain all of the following:

(A) A recent picture of the offender which shall be at least two inches by three inches (2'x3') in size;

- (B) The name and residential address of the offender;
- (C) The offense for which the offender was convicted; and
- (D) The date the offender was released and whether the offender was released on probation, community correction, parole or by reason of expiration of sentence.

(c) If a sexual offender required to comply with the provisions of subsection (b) changes his or her county of residence, such offender shall, within thirty (30) days of such change, be required to comply with all of the provisions of subsection (b) in the offender's new county of residence.

(d) A sexual offender who knowingly fails to comply with any requirement of this section commits a Class E felony and if such offender is on probation, community supervision or parole at the time of the violation, such supervised release shall be revoked and the violation of this section shall be served consecutively to the offender's original sentence.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

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